

REMARKS

Claims 1-15 are pending in this application, stand finally rejected, and are at issue herein. Reconsideration of claims 1-15 and indication of their allowability at an early date in view of the following remarks are respectfully solicited.

The applicant wishes to thank the Examiner for reconsideration of claim 11 and removal of the objection thereto.

The Examiner has rejected claims 1-7 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,259,447 to Kanetake et al. The applicant has once again thoroughly considered this reference, as well as the Examiner's responses to the applicant's arguments set forth in the previous response. However, the applicant must persist in the traversal of this ground of rejection. Reconsideration of this ground of rejection and indication of the allowability of claims 1-7 in view of the following remarks are respectfully solicited.

As described in the originally filed application, the text based setup data file is used by the suite integration toolkit during the installation process of a suite of applications to be installed on a user's machine. While this text based setup data file includes multiple sections, of particular interest to the claims of the present application, this data file includes a section that contains the listing of all user interface screens to be displayed during the installation process of the application suite. Providing a significant advantage to the developers of the application suites, this text based listing of the screens to be displayed provides the order in which the screens will be utilized by the suite installation toolkit for display to the users during various stages of the installation process. This feature is described in the independent claims of this application as follows:

1. . . . *providing a text based setup data file having at least one section containing a display order textual listing of the UI screens . . .*
9. . . . *a text based setup database file, said setup database file including a display order textual listing identifying specific user interface (UI) screens to be displayed during installation of said components.*

12. . . . *acquiring a textual listing of user interface screens for each of a plurality of applications in a suite that are to be installed . . .*

Through such a section in the text based setup data file, the developer of the application suite may simply utilize a text editor to rearrange or edit the order of the screens listed in the textual listing to modify the order in which the screens are displayed to users during the installation process. That is, once the developer has finally edited the listing of the display order of the user interface screens, later installation of this suite by an end user will result in the various user interface screens being displayed automatically in the order contained in this section of the setup data file. The developer need not change where these screens are stored in memory, nor their address to effect a reordering. This feature is described in the independent claims of the instant application as follows:

1. . . .
providing a text editor; and
editing the display order textual listing of the UI screens in the setup data file using the text editor.
12. . . .
acquiring the user interface screens identified by the textual listing; and
displaying the user interface screens identified by the textual listing for each of the applications in the suite that are to be installed.

While the provision of the dedicated section in the text based setup data file that contains the display order textual listing of the UI screens allows a developer to modify the order in which these screens are displayed during the later installation of this suite, it is important to note that this textual listing, and the editing thereof, in no way affects the content or data displayed by these screens during the installation process. That is, only the order in which the screens will be displayed automatically during the installation of this suite by an end user is affected by the editing of this textual listing in the setup data file. The actual content of the screens themselves is selected and generated through a different mechanism not of interest to the claims of this application. Specifically, the claims of the present application are concerned only with the provision of the text based setup data file having a section that contains the display order listing of the UI screens in textual format such that the editing or reordering of these screens may be accomplished through simply editing this listing via a text editor.

With this context in mind, we turn to the Kanetake et al. '447 reference and the application thereof as set forth by the Examiner. While the display order textual listing of the setup data file of claim 1 provides the automatic ordering of the normal installation process, the system of Kanetake et al. '447 is concerned with providing "an automatic execution program that is capable of handling an exceptional processing procedure by of a client without changing a host application." Kanetake et al. '447, column 1, lines 59-62. As described, these "exceptional screens occur [sic] due to disturbances caused by the host machine, or a communication line or the like, thereby requiring recovery by an operator." Kanetake et al. '447, column 1, lines 35-38. With these problems in mind, the system of Kanetake et al. '447 states that one of its objects is "to provide an automatic execution system that is capable of handling an exceptional operation without changing or adapting an application program to be automatically executed." Kanetake et al. '447, column 2, lines 28-31. To determine if an exceptional screen has occurred, "information for specifying the screen (e.g., a screen number or a characteristic message) is recorded, whereby it is compared with another at the time of re-execution to confirm that the automatic execution is being carried out in accordance with a predetermined procedure." Kanetake et al. '447, column 3, lines 9-13 (emphasis added).

Normal information processing "is executed based on a plurality of normal processing screen specifying data items that are stored in an ordered sequence." Kanetake et al. '447, column 3, lines 24-26. As defined by Kanetake et al. '447, "the expression 'stored in an ordered sequence' represents a concept covering not only the case where the involved data items are stored in the order of their assigned sequential numbers, but also another case where such data items have such information (e.g., address information) that enables access to a next data item." Kanetake et al. '447, column 3, lines 59-64. Importantly, "stored in an ordered sequence" does not refer at all to any type of textual listing of the display order of the UI screens in a text based setup data file. Instead, when Kanetake et al. '447 refers to data screens being "stored in an ordered sequence" this means that the data screens themselves are stored in the order of their assigned sequential numbers or that the data screens have information (e.g., address information) that enables access to a "next" data item. Nowhere does Kanetake et al. '447 state that a listing of the display order of all of the data screens exists in any separate text based setup data file that may be edited by a text editor.

While not described in Kanetake et al. '447, the applicant believes from this description that in order to change the order in which the normal processing screens are displayed to the user, one would have to actually rearrange where these screen data items are actually stored in memory or the address of the screen data items themselves. This is because the system of Kanetake et al. '447 generates the screen data items associated with each event by utilizing an indexing variable "i" that specifies the data item to the application for causing the application to generate the appropriate screen data item. This indexing variable "i" is then indexed by 1, etc. See Kanetake et al. '447, column 3, lines 23-57; column 4, lines 17-59; column 4, lines 60 - column 5, line 27; column 5, line 28 - column 6, line 10; column 6, lines 15-47; column 6, line 48 - column 7, line 16; column 7, line 17 - column 8, line 2; etc. This processing of the indexing variable "i" is illustrated in Fig. 12.

The storage of the screens based upon the indexing variable "i" is confirmed through examination of Fig. 10 and the description of this figure at column 23, lines 1-17. In this section, and in accordance with the applicant's interpretation of this reference, the normal screens are described as "normal screen 'Ai' ($1 < i < N$).". Clearly, the indexing variable "i" is indexed between 1 and N to select the next screen that is "stored in an ordered sequence". The applicant respectfully submits that the use of an indexing variable is inconsistent with the requirement for a display order textual listing which does not require that the display screens be stored in an ordered sequence, i.e., stored in the order of their assigned sequential numbers or having address information that enables access to the next data item through an indexing variable "i".

While the Examiner is correct that the use of the incrementing variable "i" does not disprove the existence of a text based setup data file, the applicant respectfully submits that it is the duty of the Examiner to identify the existence of such a text based setup data file in order to reject the claims of the instant application as being anticipated, not the contrary.

Instead of identifying a text based setup data file, the Examiner points to the discussion in column 18 describing the registration process, and has concluded that "the registration acts like a setup data file." However, the applicant notes with significance that this registration does not dictate what screens are actually to be displayed, but instead is merely used to compare with another registration generated at the time of re-execution to determine whether normal processing or exception processing is taking place. In other words, the registration is not utilized

to control the display order of UI screens, but is merely used to determine whether the screen that is being displayed is a normal or an exceptional screen resulting from a disturbance caused by the host machine or a communication line or the like thereby requiring recovery by an operator. As such, this registration cannot be equated with a text based setup data file as used and defined in the instant application and claims. It is not appropriate to indicate that any listing of data constitutes a text based setup data file as this term is used and defined by the applicant in the instant application. Not only is the registration not used as a setup data file dictating the display order of screens during an installation process, but Kanetake et al. '447 only uses the registration to merely confirm that automatic execution is being carried out in accordance with a predetermined procedure by checking the registration with another registration generated as each screen stored in the ordered sequence is displayed.

Additionally, since these registrations are compared to determine whether an exceptional screen needs to be displayed, it would not appear to make sense to allow editing of this registration as such may well result in erroneous indication that an exceptional procedure has occurred. That is, as it appears that the registration is used as a tracking mechanism during the display of the screens during automatic execution of the procedure, the allowance of editing of the registration may well cause improper processing. This is because the comparison to the edited registration may no longer match the registration generated at time of re-execution even though no exceptional processing has occurred.

In view of the foregoing, the applicant respectfully submits that claims 1-7 are not anticipated by Kanetake et al. '447. Reconsideration of this ground of rejection and indication of the allowability of claims 1-7 at an early date are respectfully solicited.

The Examiner has also rejected claims 8-15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,259,447 to Kanetake et al. and further in view of U.S. Patent No. 6,360,365 to Curtis. The applicant has again reconsidered each of these references and the Examiner's combination thereof, but must respectfully traverse this ground of rejection. Reconsideration of this ground of rejection and indication of the allowability of claims 8-15 in view of the following remarks are respectfully solicited.

In the applicant's previous response, the applicant pointed out that the Examiner had not provided any suggestion or motivation to support a *prima facie* case of obviousness. Specifically, the Examiner had merely stated that the motivation to combine these references is "because a suite installation is merely a limited example of one of Kanetake automatically executing applications." However, such a statement merely indicates that the references are within the same field, and does not provide any statement of suggestion or motivation to make the proposed combination. Further, MPEP §2143.01 makes clear that the mere fact that the references are in the same field and can be combined or modified is not sufficient to support a *prima facie* case of obviousness.

In response to this argument the Examiner stated "thus both inventions are related to making existing applications manageable as computer environments evolve, and thus the combination is obvious." However, the applicant respectfully submits that this statement is once again merely stating that the references are in the same field and therefore their combination is obvious. However, such a conclusory statement does not satisfy the requirements of the MPEP to establish a *prima facie* case of obviousness. Indeed, the Federal Circuit has made clear that such conclusory statements are not sufficient to establish a *prima facie* case of obviousness. See *In Re Lee*, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to one of ordinary skill in the art." *In Re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). Indeed, the Federal Circuit has recently confirmed the importance of relying on objective evidence in making specific factual findings with respect to the motivation to combine references, none of which has been done in this case. See *In Re Lee*, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002).

In re Appln. Of: Jeff A. Zimniewicz
Application No.: 09/557,143

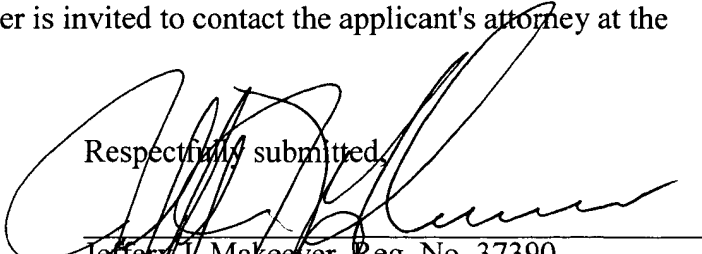
In view of the above, the applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness because there has been no sufficient statement of the suggestion or motivation to make the proposed combination.

Further, a *prima facie* case of obviousness has also not been established because the references as combined do not meet each and every limitation of the claims. Specifically, and as discussed at length above, the Kanetake et al. '447 patent does not teach or suggest a text based setup data file that includes a display order textual listing. Instead, the Examiner relies on the registration information which the Examiner states "acts like a setup data file." However, this registration information in fact does not act like a setup data file because such a setup data file is used by the suite installation toolkit to govern the operation of the installation of the suite and, in particular, the order in which user interface screens will be displayed during the installation process. This functionality is completely foreign to the registration information, which is used to compare with registration information recorded as screens are displayed during the processing of an application to determine whether an exception has occurred. This deficiency is not cured by the combination of Curtis '365. As such, the applicant respectfully submits that a *prima facie* case of obviousness has not been established for this additional reason as well.

In view of the above the applicant respectfully submits that claims 1-15 are in condition for allowance. Reconsideration of claims 1-15 and indication of their allowability at an early date in view of the foregoing remarks is respectfully solicited.

If the Examiner believes that a telephonic conversation will aid in the resolution of any issues not resolved herein, the Examiner is invited to contact the applicant's attorney at the telephone number listed below.

Respectfully submitted,



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